Speech By

Dale Last

MEMBER FOR BURDEKIN

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NATURAL RESOURCES AND OTHER LEGISATION AMENDMENT BILL

Mr LAST (Burdekin—LNP) (12.16 pm): I rise to speak on the Natural Resources and Other Legislation Amendment Bill 2019. From the outset I want to highlight that this bill is a large omnibus bill that, with the addition of the amendments tabled by the minister today, sprawls across some 252 pages and amends 32 separate acts and a regulation. It is a bill that deals with many important issues including Indigenous and general land access, gas production tenure management, foreign landownership registers, the Surveyors Act, the establishment of CleanCo, category 2 water governance arrangements, mediation for disputes about terms of particular subleases, relinquishment requirements for existing exploration permits, and validation of particular development approvals. There are many sensible and constructive reforms within this bill, but there are also measures that go too far. The LNP finds it frustrating that Labor continues to lump good reform amongst actions of government overreach that we cannot support.

The parliamentary committee was also informed by stakeholders about their concerns with the size and scale of the bill by highlighting their frustration in not having enough time to properly analyse all of the changes in the bill sprawled across its 252 pages. The Queensland Law Society outlined its frustration at the size of this bill by saying that it 'hoped it had not missed anything' after conveying the difficulty it had in properly analysing all of the changes within the short time frame in order to meet the submission date. The Queensland Resources Council had the following to say about the size of the bill—

> Even for an omnibus Bill, this legislation is extraordinarily broad in scope, amending according to the references in the Minister's Explanatory speech, a staggering 29 different Acts. The breadth and complexity of this bill makes it very difficult for any stakeholder to be confident they have understood all the ramifications of these amendments in the 15 business days between the Bill being tabled and submissions falling due for the Committee.

Despite concerns about the size and particular issues within the bill in relation to the overreach of government power, the committee failed to offer up a single substantive recommendation other than to pass the bill. I commend the LNP committee members—the member for Condamine, the member for Buderim and the member for Bundaberg—for their statement of reservation that highlights their frustration with this rubber-stamp process that we have all unfortunately become accustomed to.

Unfortunately, the process that this bill has been through feels eerily familiar. It feels like the vegetation management bill process all over again. Despite sensible and pragmatic issues being raised with the Labor government's first draft, there appears to be no amendment or changes under consideration, with the exception of the amendments just mentioned by the minister. This is just another example of Labor introducing laws into this place without the proper degree of scrutiny. Members on that side of the House should understand that, in order to pass legislation through this place, there needs to be an appropriate level of scrutiny, there needs to be the appropriate time given, there needs to be the appropriate consultation across Queensland.

Given the size of this bill, I will do my best in the time allotted to go through the various changes in the bill and offer the LNP's position on them. The LNP supports the bill's amendments to the Aboriginal Land Act 1991 and the Torres Strait Islander Land Act 1991, which reduce the government's legislative burden by replacing a subordinate legislation process with a ministerial declaration process. These amendments will enable the minister administering the acts to make a declaration about land available for grant as inalienable freehold, the reservation of forest products and quarrying materials to the state on those lands and the management of certain lands that have been granted. The amendments to the Aboriginal Land Act and Torres Strait Islander Land Act clarify the interpretation and application of certain provisions of these acts and provide certainty to Aboriginal and Torres Strait Islander people throughout Queensland.

The LNP supports the changes to the Aboriginal and Torres Strait Islander Land Holding Act 2013, which provides a framework to resolve outstanding lease entitlements and issues affecting granted leases. The amendment to the Aboriginal and Torres Strait Islander Land Holding Act 2013 to allow for a process to transmit granted leases where the lessee dies intestate and the lessee's estate is not being administered will assist the more than 130 leases that are currently held in the names of deceased lessees who have died intestate and whose estates are not being administered.

The LNP opposes the Labor government's move to amend the Foreign Ownership of Land Register Act 1988. These changes, which remove the requirement to produce an annual report into foreign landownership in Queensland, are not in the interests of Queenslanders. The minister and the department have used the fact that the Commonwealth is producing a similar and national report on foreign landownership as a justification for Queensland ceasing its reporting. The LNP agrees with AgForce, which, in its submission and at the committee hearing, outlined that it does not support these changes. It sees any lessening in the reporting of foreign landownership in Queensland and nationally as a step in the wrong direction. Any weakening of reported foreign landownership of agricultural land in Queensland cannot be accepted, especially given that the Commonwealth government could change its reporting regime at any time. By removing this section, Labor is removing a key source of data and transparency that Queenslanders deserve to have from their government.

Queenslanders deserve to know who, how much and what types of land are owned by foreigners. It is a contentious issue. This data and the information in it are essential ingredients that are needed when discussion and scrutiny around foreign landownership arises. The LNP will always oppose moves to reduce transparency on foreign landownership in Queensland. The LNP will oppose changes to part 4 of the bill—clauses 36 and 37—that remove section 16 of the Foreign Ownership of Land Register Act 1988.

The bill seeks to amend the Land Act 1994 to ensure the clear and effective application of the act, improve administrative efficiency and reduce the regulatory burden across a number of policy issues. Although the majority of these reforms and amendments carry the LNP's support, one such change will be opposed by the LNP. The changes to the Land Act 1994 that allow an authorised person without consent or warrant to enter freehold land if they need to access adjacent state land will be opposed by the LNP.

In its submission, AgForce rejected the need and legitimacy to extend the state's right to cross freehold land in order to access state controlled land. It raised concerns that the new power of entry represents a reduction in property rights and a potential biosecurity issue. AgForce also noted in its submission that the amendments do not provide any arrangements for compensation to be paid to the landholder and suggested that the bill should consider a budget allocation for either surveying easements on affected land or paying adjoining neighbours for land access. It stated that the bill breaches fundamental legislative principles by providing the government with powers to authorise access with insufficient regard to the rights and liberties of landholders. In its submission AgForce went on to state—

> This Bill is evidence of further socialization and diminution of property rights with no compensation back to the landholder.
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> …
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> An incident threat is that landholders who allow access to authorized Government staff are at risk of having their properties included in databases triggering legal implications and possible compliance costs. The issue of trust between landholders and staff or authorized persons by Queensland Government, has longer term ramifications on effective and sustainable management of land. Supplying the chief executive with increased powers to access freehold and leasehold land without compensation, further erodes this trust.

The LNP agrees with AgForce and does not believe that the reasons outlined in the bill for the amendment are legitimate reasons for an authorised person to enter private freehold land without consent or a permit. The fact that the committee refused to consider any recommendations to address this government power overreach is concerning and, once again, shows the pattern of the government's

arrogance and contempt for our farmers and landholders across Queensland. The LNP will oppose clause 45, which introduces a new section 431ZD to the act, which grants this power to access freehold land without a permit.

The LNP supports the bill's amendments to the Surveyors Act 2003, which establishes the Surveyors Board of Queensland to register surveyors in Queensland and establish professional standards for the surveying profession. These amendments address the administrative and disciplinary issues that have hindered the effective operation of the Surveyors Board. I note that the following issues will also be resolved by amendments in this bill: the insufficient expertise and capacity of the Surveyors Board to deal with registration and compliance of mining surveyors; the unclear delegation powers for the Surveyors Board leading to a dealing with minor administrative functions such as approving forms; the inability to appoint an investigator with expertise other than surveying qualifications, hindering the Surveyors Board in seeking advice about compliance with parts of the professional surveyor standards, for example, the conduct of a surveying business; and the cost of seeking information from registers and rolls held by the administering agency, which can be a hindrance to the Surveyors Board assessing competence, conducting investigations and carrying out compliance monitoring following disciplinary action. The LNP hopes that these amendments will assist the Surveyors Board in its capacity in overseeing its sector.

The bill makes numerous changes to the way in which resource exploration and resource licenses are managed and processed. The LNP supports a number of these amendments, including measures to improve the performance of the resources tenure management system supporting the resource exploration sector by creating greater flexibility, reducing the administrative burden while producing more time for exploration prior to the relinquishment of land. Under the current framework, unlimited renewal of exploration permits, along with the ability to vary relinquishment requirements, has resulted in some exploration areas being held for too long, delaying production and the associated benefits to the state. The cap introduced in this bill limits the total life of an exploration permit to 15 years, with a three-year extension in exceptional events. Currently, the time between relinquishment intervals is considered to be too short, resulting in proponents routinely applying to vary their relinquishment obligations. Relinquishment requirements have been streamlined to increase the time before the first relinquishment due date and reduce the total area required to be relinquished before the expiry of the exploration authority. I note the amendments brought forward today by the minister regarding this particular amendment.

These reforms will, hopefully, address the issue of some large resource companies land banking, which ties up large tracts of land across Queensland and stymies development. This process needs to be managed in a manner that allows for the systematic development of our resources, which ultimately provides jobs and economic prosperity for our state.

The LNP will be opposing the amendments to the Mineral Resources Act 1989 that provide increased ministerial powers allowing a minister to cancel, vary or insert conditions for an exploration permit in an exceptional event. Clause 260 inserts a new section 141A. This section allows the minister to oppose, vary or remove a condition of an exploration permit at any time without application or seeking the views from the permit holder if an exceptional event has occurred. Exceptional events are natural disasters or financial crises which negatively affect the resources industry.

The LNP has serious concerns that the power of a minister to terminate or change exploration licences is open to exploitation. The Queensland Resources Council raised serious concerns with the extension of this ministerial power as it has opened the possibility of considerable risk to investments that can be ended on the stroke of a minister's pen. The Queensland Law Society also raised concerns with the minister being given the power to unilaterally oppose, vary or remove a condition in an exploration permit without application by the holder where the minister considers the conditions must be amended because of an exceptional event affecting the permit. The Queensland Law Society outlined its concerns that a licence holder would not be given the right to be heard in respect of the exceptional event or the proposed change and that it does not afford the holder a formal right of appeal in respect of the minister's decision. Both the Queensland Resources Council and the Queensland Law Society have concerns with the broad definition of 'exceptional event' within the bill and believe it is too open to exploitation.

The LNP has grave concerns that this power is open to abuse and that the cancellation of exploration licences is a possibility. Resource businesses deserve more certainty than to be held captive to the ebbs and flows of political wills. We have already seen how politics can interfere with the approval of mining projects in Queensland with the disgraceful interference in the Carmichael project by this Palaszczuk Labor government. The LNP will oppose clause 260 that creates a new section, 141A, in the act.

In relation to distributor-retailer infrastructure charges notices, the LNP supports the amendments to the South-East Queensland Water (Distribution and Retail Restructuring) Act 2009 that validates infrastructure charges notices issued by distributor-retailers that contain minor procedural irregularities. Hopefully this will ensure consistency with the local government infrastructure charging framework under the Planning Act 2016.

In relation to water authority boards, the LNP notes the changes to the category 2 water authority boards requiring the boards to comply with the Queensland government's Women on Boards initiative to establish a gender equity target of 50 per cent representation of women on the boards of Queensland government bodies by 2020. Both the Glamorgan Vale and Roadvale water boards in their submissions expressed their dissatisfaction with the move to change appointments to category 2 water boards, in particular the requirement for fifty-fifty gender representation on their boards. Both groups outlined their opposition to the new election process and appointments criteria primarily due to the difficulty in finding suitable candidates and the potential costs incurred while conducting such a search for candidates. These local water boards see the changes to their board appointments as a Brisbane takeover. The LNP will watch with interest how these changes will play out on our category 2 water boards going forward. The LNP will always support a model in which our category 2 water boards can operate effectively and properly.

The bill makes CleanCo related amendments to the Right to Information Act 2009 to protect CleanCo's competitive interests within the NEM and aligns with existing protections in place for CS Energy and Stanwell. The related amendments made by the bill to the Electricity Act 1994 will enable a regulation to be made to designate CleanCo as a state electricity entity. This allows CleanCo to be subject to government directions under the Electricity Act 1994 as is currently the case for CS Energy and Stanwell. The amendments provide legislative protection for the entitlements of employees who transfer from CS Energy or Stanwell to CleanCo. However, this seems to be window dressing when the ACCC, the Queensland Competition Authority and the Electrical Trades Union have all said that Labor's CleanCo will not work and it will not lower prices. How inconvenient that the ETU still call out its own Labor government for this white elephant of an idea. The Labor government still has not answered why it is setting up its own company to pursue renewable generation opportunities in direct competition to private projects it is already underwriting. It seems that these reforms are just the latest chapter in the Labor government's farcical crusade to establish CleanCo even though it has been roundly condemned and clearly will not work.

As I have alluded to during my contribution, the LNP will be opposing a number of reforms in this large bill. The LNP will be opposing the removal of the foreign landownership report, we will be opposing the moves to allow bureaucrats the rights to, without consent or warrant, enter freehold land if they need to access adjacent state land and we will be opposing increased ministerial powers to allow a minister to cancel, vary or insert conditions for an exploration permit in an exceptional event. The Palaszczuk government likes to portray itself as open and accountable. Large omnibus bills such as this portray exactly the opposite and fail the good governance test. The LNP want it on record that this Labor government is failing the transparent, open and accountable government promise it made to Queenslanders at the last election.